

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 5-10 and 21-26 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and Remarks as set forth hereinbelow.

ALLOWABLE SUBJECT MATTER

It is gratefully acknowledged that the Examiner considers the subject matter of claims 5-10 as being allowable if rewritten in independent form. Although not conceding the appropriateness of the Examiner's rejections, claims 1-4 and 11-20 have been cancelled. In addition, claims 21-26 are directed to the electric rotary device and are similar in scope to claims 5-10. It is respectfully submitted that claims 5-10 and 21-26 are now in condition for allowance.

CLAIM FOR PRIORITY

It is gratefully acknowledged that the Examiner has recognized the Applicant's claim for foreign priority. In view of the fact that the Applicant's claim for foreign priority has been perfected, no additional action is required from the Applicants at this time.

DRAWINGS

The Examiner has objected to Figs. 5-7 for not including the legend Prior Art. Attached hereto is a Replacement Sheet for Figs. 5-7 wherein the legend Prior Art has been added. The Examiner's objection has been obviated.

OBJECTION TO THE SPECIFICATION

The Examiner has objected to the wording set forth in the specification. Attached hereto is a substitute specification that incorporates the Examiner's helpful suggestions. In addition, a marked up copy of the original specification that includes the corrections is also attached hereto. No new matter has been added in the substitute specification. Entry into the official file is respectfully requested.

REJECTION UNDER 35 USC 103

Claims 1-4 and 11-20 stand rejected under 35 USC 103 as being unpatentable over Yoshioka, JP 53-126101 in view of Physics & Chemistry of Fullerenes, 1995 (Chap. 7, "Nanotubes," Page 217. This rejection is respectfully traversed.

Without conceding the appropriateness of the Examiner's rejection, claims 1-4 and 11-20 have been cancelled. The Examiner's rejection has been obviated.

NO PROSECUTION HISTORY ESTOPPEL

Claims 5 and 8 have been amended to clarify the claimed subject matter. In addition, claims 21-26 are directed to the electric rotary device and are similar in scope to claims 5-10. No prosecution history estoppel would apply to the interpretation of the limitations set forth in claims 5-10 and 21-26 in view of the fact that this subject matter has been continuously presented since the original filing date of the present application.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above amendments and remarks, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

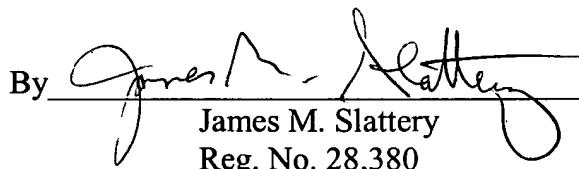
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703) 205-8000 in the Washington, D.C. area.

A prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

James M. Slattery

Reg. No. 28,380

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

JMS/mmi

AMENDMENTS TO THE DRAWINGS

See attached Replacement Sheet illustrating Figs. 5-7 which have been labeled as
PRIOR ART.